

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>EARL FRANCIS DEMBY III,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>LANKENAU HOSPITAL, et al.,</b>	:	<b>NO. 18-1387</b>
<b>Defendants.</b>	:	

**ORDER**

AND NOW, this 12<sup>th</sup> day of April, 2018, upon consideration of Mr. Demby's Motion to proceed *In Forma Pauperis* (ECF No. 1), his Prisoner Trust Fund Account Statement (ECF No. 3), and his *pro se* Complaint (ECF No. 2), it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.
2. Plaintiff, Earl Francis Demby, III, #MB-6931, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by plaintiff, an initial partial filing fee of \$15.00 is assessed. The Superintendent or other appropriate official at SCI-Graterford or at any other prison at which plaintiff may be incarcerated is directed to deduct \$15.00 from plaintiff's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-1387. In each succeeding month when the amount in plaintiff's inmate trust fund account exceeds \$10.00, the Superintendent or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-1387.

3. The Clerk of Court is DIRECTED to send a copy of this order to the Superintendent of SCI-Graterford.

4. The Clerk of Court is DIRECTED to rescan the Complaint so that the grievances attached to Mr. Demby's Complaint are legible on the CM-ECF system.

5. The Complaint is DISMISSED for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum. Mr. Demby's claims against the Lower Merion Police Department, the Montgomery County Correctional Facility Medical Department, the Department of Corrections, and Micheal A. John, Esq. are DISMISSED with prejudice. Mr. Demby's remaining claims are DISMISSED without prejudice in the event he can state a plausible claim within this Court's jurisdiction against an appropriate defendant or defendants with regard to the events of October 8, 2017 and his subsequent conditions of confinement.

6. Mr. Demby is given leave to file an amended complaint within thirty (30) days of the date of this Order. If Mr. Demby files an amended complaint, he must identify all of the defendants in the caption of the amended complaint. Any individual or entity that is not listed in the caption will not be treated as a defendant. The amended complaint must also provide as much identifying information for the defendants as possible. Mr. Demby may refer to a defendant by last name only if that is the only identifying information possessed. If Mr. Demby wishes to name individuals for whom he does not have any identifying information, he may refer to those individuals as John Doe #1, John Doe #2, etc. The amended complaint must also describe how each defendant, including any John Doe or Jane Doe defendants, were responsible for violating Mr. Demby's rights. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so ORDERED.

7. If Mr. Demby fails to file an amended complaint, his case may be dismissed without prejudice for failure to prosecute without further notice.

**BY THE COURT:**

  

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**PETRESE B. TUCKER, J.**